

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES T. MILES,

Plaintiff,

-against-

9:09-CV-1279 (LEK/ATB)

ALBANY CORRECTIONAL
FACILITY, *et al.*,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 16, 2010, by the Honorable Andrew T. Baxter, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 35).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." FED. R. CIV. P. 72(b), in compliance with L.R. 72.1 of the Northern District of New York. No objections have been raised in the allotted time with respect to Magistrate Judge Baxter's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

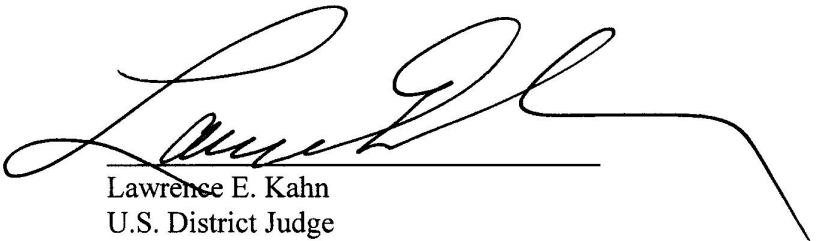
ORDERED, that the Report-Recommendation (Dkt. No. 35) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendant Albany Correctional Facility's Motion to dismiss (Dkt. No. 15) is **GRANTED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: October 06, 2010
 Albany, New York



Lawrence E. Kahn
U.S. District Judge